GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Agriculture & Cooperation Department – V & E cases - Sri K.V.V. Satyanarayana Murthy, the then Assistant Director of Agriculture (SC), RVP, Arakuvalley, Vishakapatnam District - Allegations of failure in supervision and lack of devotion noticed in the works of Soil Conservation in Arakuvalley, Visakhapatnam District and misuse & misappropriation of RVP funds - Disciplinary action initiated under A.P.Civil Services (CCA) Rules, 1991 – Subsequently retired as Deputy Director of Agriculture, O/o Joint Director of Agriculture, Srikakulam – Imposed the Penalty of "Withholding of 20% of Pension permanently, besides recovery of Rs.5,13,991.25 paisa from his retirement benefits", under A.P.Revised Pension Rules, 1980 – Withdrawal of the Penalty - Orders – Issued.

AGRICULTURE AND CO-OPERATION (VIG.I) DEPARTMENT

G.O.Ms.No.33 **Dated: 15/03/2024**

Read the following:

1. From the Prl.Chief Conservator of Forests, A.P., Hyderabad Letter Ref.No.22804/2004/P4, dt.18.08.2004.
2. Proceedings No.Vig.II (4) 396/04-1, dt.01.10.2004 of the Commissioner of Agriculture, A.P., Hyderabad.
3. From the DG (V & E.) & Ex-Officio Prl. Secretary to Government, GAD (V&E) Department, A.P., Hyderabad Lette C.No.1077/V&E/NR.2/2003 (VR No. 127), dt.18.11.2004.
4. Memo.Roc.No. Vigilance II(4)396/2004, dt.07.07.2005, of Commissioner & Director of Agriculture, A.P., Hyderabad.
5. G.O.Rt.No.1844, A & C (Vig.I) Dept., dt.21.12.2005.
6. Proceedings No.AI (1) 1444/2004, dt.04.01.2006 of the Commissioner & Director of Agriculture, A.P., Hyderabad.
7. Explanation dt.11.05.2006 of Sri K.V.V. Satyanarayana Murthy, the then Asst. Director of Agriculture (SC), RVP Arakuvalley, Vishakapatnam District.
8. Memo. No. Vig.II(4)/396/04, dt. 28.04.2009 of Commissioner & Director of Agriculture, A.P. Hyderabad.
9. Proceedings No. Vig.II(4)/396/04, dt. 23.03.2009 of Commissioner & Director of Agriculture, A.P. Hyderabad.
10. Letter C.C.No.Addl.D.A.1/E.O/Arakuvalley/2010, Enquiry report dt.06.05.2010, of Addl. Director of Agriculture-I, O/o Commissioner & Director of Agriculture, A.P., Hyderabad.
11. Memo.No.Vig.II(5)/396/04, dt. 19.07.2010 of the Commissioner & Director of Agriculture, A.P. Hyderabad.
12. Explanation dt.23.09.2010 of Sri K.V.V. Satyanarayana Murthy, the then Asst. Director of Agriculture (SC), RVP, Arakuvalley, Visakhapatnam District and subsequently retired as Deputy Director of Agriculture, O/o Joint Director of Agriculture, Srikakulam.
13. Govt.Memo.No.15612/Vig.I/2004, A&C (Vig.I) Dept., dt. 10.02.2016.
14. Hon'ble A.P.A.T., Hyderabad Order dt.29.04.2016 in O.A.No.5945 of 2013 filed by Sri K.V.V.Satyanarayana Murthy, Deputy Director of Agriculture (Retd.).
15. Representation dt.17.06.2016 of Sri K.V.V.Satyanarayana Murthy, Deputy Director of Agriculture (Retd.), O/o Joint Director of Agriculture, Srikakulam.
16. Hon'ble High Court of A.P., Hyderabad Order dt.18.04.2017 in WPMP.No.16118 of 2017 in W.P.No.12975 of 2017, filed against the APAT Orders dt. dt.29.04.2016 in O.A.No.5945 of 2013.
17. Represention dt.27.08.2021 of Sri K.V.V.Satyanarayana Murthy, Deputy Director of Agriculture (Retd.), Srikakulam.
18. Govt.Letter No.AGC01-AGRI/89/2020-1, A & C (Vig.I) Dept., dt.23.12.2021.
19. From the Joint Secretary, A.P., Public Service Commission, Vijayawada, Letter. No. 19/DC&C/2022, dt. 02.02.2022.
20. G.O.Ms.No.12, A & C (Vig.I) Dept., dt.08.03.2022.
21. Representation dt.26.06.2023 of Sri K.V.V.Satyanarayana Murthy, Deputy Director of Agriculture (Retd.), Srikakulam.

-oo0oo-

ORDER

In the reference 1st read above, the Prl.Chief Conservator of Forests, A.P., Hyderabad has informed that very serious irregularities were noticed in the works

(P.T.O.)

executed by the Asst. Director of Agriculture, Arakuvalley and lack of his supervision and control led to commission of large scale misappropriation of funds and hence requested the Commissioner of Agriculture, A.P., Hyderabad to place Sri K.V.V. Satyanarayana Murthy, Asst. Director of Agriculture & two others, under suspension, pending disciplinary action and also to initiate action to recover the misappropriated amount from the concerned.

2. Accordingly, in the reference 2nd read above, the Commissioner of Agriculture, A.P., Hyderabad has placed Sri K.V.V.Satyanarayana Murthy, the then Asst. Director of Agriculture (SC), RVP, Arakuvalley, Visakhapatnam District, under suspension, w.e.f. 01.10.2004, under sub-rule (1) of rule 8 of A.P.Civil Services (CCA) Rules, 1991.

3. In the reference 3rd read above, the V & E Dept. has submitted a report regarding misuse & misappropriation of RVP Funds in Soil Conservation Works in Arakuvalley, Vishakaptnam District and advised the Department to recover the misappropriated amount and also to initiate disciplinary action for major penalty against Sri K.V.V.Satyanarayana Murthy, the then Asst. Director of Agriculture (SC), RVP, Arakuvalley, Visakhapatnam District, under suspension, under A.P.Civil Services (CCA) Rules, 1991.

4. In the reference 4th read above, the Commissioner & Director of Agriculture, A.P., Hyderabad has issued Articles of Charge against Sri K.V.V. Satyanarayana Murthy, the then Assistant Director of Agriculture (SC), RVP, Arakuvalley, Vishakapatnam District, as part of disciplinary action under A.P.Civil Services (CCA) Rules, 1991, with a direction to submit his Written Statement of Defense (WSD),within (10) days of the receipt of the order, duly admitting/denying the Charges.

5. In the reference 5th read above, the Government have revoked the suspension against Sri K.V.V.Satyanarayana Murthy, the then Asst. Director of Agriculture (SC), RVP, Arakuvalley, Visakhapatnam, pending finalization of the disciplinary action initiated against him and requested the Commissioner & Director of Agriculture, A.P., Hyderabad to post the individual at far off place in non-focal post.

6. Accordingly, in the reference 6th read above, the Commissioner & Director of Agriculture, A.P., Hyderabad has posted Sri K.V.V.Satyanarayana Murthy, the then Asst. Director of Agriculture (SC), RVP, Arakuvalley, Visakhapatnam, as Asst. Director of Agriculture, Kothur, Srikakulam District.

7. In the reference 7th read above, the Charged Officer Sri K.V.V. Satyanarayana Murthy, the then Assistant Director of Agriculture (SC), RVP, Arakuvalley, Vishakapatnam District, has submitted his Written Statement of Defense (WSD), duly denying the Charges framed against him.

8. In the reference 8th read above, the Commissioner & Director of Agriculture, A.P., Guntur has appointed Sri D. Rushendranath, Additional Director of Agriculture–I, O/o Commissioner & Director of Agriculture, A.P., Hyderabad as the Inquiry Authority, to inquire into the Articles of Charge issued against the Charged Officer Sri K.V.V. Satyanarayana Murthy, the then Assistant Director of Agriculture (SC), RVP, Arakuvalley, Vishakapatnam District and in the reference 9th read above, he has appointed Sri P. Atmaramulu, Deputy Director of Agriculture (N.C.Cell), O/o Commissioner & Director of Agriculture, A.P., Hyderabad, as Presenting Officer, to present the case before the Inquiring Authority, on behalf of the Disciplinary Authority.

9. In the reference 10th read above, Sri D.Rushendranath, Addl. Director of Agriculture –I, O/o Commissioner and Director of Agriculture, A.P., Hyderabad & Inquiry Authority has submitted his report to the Commissioner & Director of Agriculture, A.P., Hyderabad, stating that out of the (2) Charges issued against Sri K.V.V.Satyanarayana Murthy, the then Assistant Director of Agriculture(SC), RVP, Arakuvalley, Vishakapatnam District, the Charge-I is held 'proved' and the Charge –II is held 'not proved'.

10. In the reference 11th read above, the Commissioner of Agriculture, A.P., Hyderabad has communicated a copy of the Inquiry Report to the Charged Officer Sri K.V.V. Satyanarayana Murthy, the then Assistant Director of Agriculture (SC), RVP, Arakuvalley, Vishakapatnam District, with a direction to submit his representation, if any, on the findings of the Inquiring Authority.

(Contd.p.3)

11. In the reference 12th read above, the Charged Officer Sri K.V.V. Satyanarayana Murthy, the then Assistant Director of Agriculture (SC), RVP, Arakuvalley, Vishakapatnam District has submitted his representation, duly denying the charges framed against him and requesting to drop further action in the matter.

12. The Government have examined the case, in consultation with the advisory department and taken a decision to impose the Penalty of "Withholding of 20% of Pension permanently", under rule 9 of A.P.Revised Pension Rules, 1980, against Sri K.V.V. Satyanarayana Murthy, the then Asst. Director of Agriculture (SC), RVP, Arakuvalley, Visakhapatnam District and subsequently retired as Deputy Director of Agriculture, O/o Joint Director of Agriculture, Srikakulam District, besides recovery of Rs.5,13,991.25 paisa from his retirement benefits and accordingly, in the reference 13th read above, issued a Show Cause Notice to him, with a direction to show-cause as to why the said Penalty should not be imposed against him for Charge – I framed against him is held proved.

13. In the reference 14th read above, the Hon'ble A.P.A.T., Hyderabad has issued the following Order dt.29.04.2016 in O.A.No.5945, filed by Sri K.V.V.Satyanarayana Murthy, Deputy Director of Agriculture (Retd.):

> ".....In view of the judgement of the Hon'ble Supreme Court in P.V.Mahadevan's case referred to supra, as there is delay in concluding the disciplinary proceedings, therefore, the impugned Charge Memo. issued in Roc.No.Vig.II(4)396/2005, dt.07.07.2005 and the consequential show cause notice issued in Memo.No.15612/Vig.I/2004, dt.16.03.2015 are liable to be set aside and are hereby set aside. The OA is disposed of accordingly. No costs."

14. In the reference 15th read above, the Charged Officer Sri K.V.V. Satyanarayana Murthy, the then Asst. Director of Agriculture (SC), RVP, Arakuvalley, Visakhapatnam District has submitted a representation, along with a copy of the above Tribunal Orders and requested to implement the said Orders and release all his pensionary benefits.

15. In the reference 16th read above, the Hon'ble A.P.High Court of A.P., Hyderabad has issued the Interim Order dt.18.04.2017 in WPMP.No.16118 of 2017 in W.P.No.12975 of 2017, filed against the APAT Orders dt. dt.29.04.2016 in O.A.No.5945 of 2013, as detailed below:

> ".....As it is stated that the Tribunal was not informed of the subsequent show cause notice issued to the first respondent herein vide Memo.dt.10.02.2016, there shall be interim suspension as prayed for."

16. In the reference 17th read above, Sri K.V.V.Satyanaryana Murthy, the then Asst. Director of Agriculture (SC), Araku valley, Visakhapatnam District and subsequently retired as Deputy Director of Agriculture, A.P., Srikakulam, has submitted a representation, together with a copy of the Hon'ble High Court of A.P., Amaravati Order dt.10.08.2021 in WVMP No.2536 of 2017 in WPMP No.16118 of 2017 in WP No.12975 of 2017, as detailed below and requested to release his retirement benefits as per the Court Judgement :

> ".....In the light of the aforesaid facts and balancing the equities, we direct pending adjudication of the impugned order passed by the Tribunal, the 1st respondent/applicant may be released all pensionary and other retrial benefits within eight weeks from the date of communication of this order setting apart a sum of Rs.5,13,991.25/- which is proposed to be recovered by the Government vide memo dated:16.03.2015. We clarify that the amounts so released to that 1st respondent/applicant will be subject to the result of the writ petition."

17. The Government have examined the matter and decided to impose the penalty of "withholding of 20% of Pension permanently" against Sri K.V.V. Satyanarayana Murthy, the then Asst. Director of Agriculture (SC), RVP, Arakuvalley, Visakhapatnam District and subsequently retired as Deputy Director of Agriculture, O/o Joint Director of Agriculture, Srikakulam, under rule 9 of A.P.Revised Pension Rules, 1980, besides recovery of Rs.5,13,991.25 paisa from his retirement benefits and requested the Secretary, A.P.P.S.C., Vijayawada, in the reference 18th read above, to place the proposal before the Commission, obtain its concurrence and communicate the same to the Government.

18. In the reference 19th read above, the Joint Secretary, A.P. Public Service Commission, Regulations, Vijayawada has informed that the Commission has agreed with the proposal of the Government to impose the penalty of "Withholding of 20% of Pension permanently", under rule 9 of A.P. Revised Pension Rules, 1980, against

Sri K.V.V. Satyanarayana Murthy, the then Asst. Director of Agriculture (SC), RVP, Arakuvalley, Visakhapatnam District and subsequently retired as Deputy Director of Agriculture, O/o Joint Director of Agriculture, Srikakulam, besides recovery of Rs.5,13,991.25 paisa from his retirement benefits and advised accordingly.

19. Accordingly, in the reference 20th read above, the Government have imposed the Penalty of "Withholding of 20% of Pension permanently", under rule 9 of A.P.Revised Pension Rules, 1980, against Sri K.V.V. Satyanarayana Murthy, the then Asst. Director of Agriculture (SC), RVP, Arakuvalley, Visakhapatnam District and subsequently retired as Deputy Director of Agriculture, O/o Joint Director of Agriculture, Srikakulam, besides recovery of Rs.5,13,991.25 paisa from his retirement benefits, for the Charge-I issued against him is held proved.

20. In the reference 21st read above, Sri K.V.V. Satyanarayana Murthy, the then Asst. Director of Agriculture (SC), RVP, Arakuvalley, Visakhapatnam District and subsequently retired as Deputy Director of Agriculture, O/o Joint Director of Agriculture, Srikakulam has submitted a representation, together with a copy of the Hon'ble High Court of A.P., Amaravati Final Order dt.03.05.2023 in W.P.No.12975 of 2017, as detailed below and requested to release all his pensionary benefits:

> ".....We do not find any valid ground to take a different view than the one taken by the Tribunal. The act of misconduct is only pertaining to alleged dereliction of duty said to have been committed in discharging the duties is not a grave misconduct. Already he is on tenterhooks because of the inquiry that was initiated against him from 2005 onwards for all this 18 years period of time. Even after his retirement in the year 2008, he is on tenterhooks undergoing agony for a period of 15 years. Therefore, in the said facts and circumstances of the case, we find the impugned order of the Tribunal is justified and it is valid."

21. The Government, after careful examination and in consultation with the Advisory Departments, have decided to implement the above said Order dt.03.05.2023 of the Hon'ble High Court of A.P., Amaravati in W.P.No.12975 of 2017, filed by Sri K.V.V. Satyanarayana Murthy, the then Asst. Director of Agriculture (SC), RVP, Arakuvalley, Visakhapatnam District and subsequently retired as Deputy Director of Agriculture, O/o Joint Director of Agriculture.

22. Accordingly, the Government, hereby, withdraw the orders issued in G.O.Ms.No.12, A & C (Vig.I) Dept., dt.08.03.2022, in the reference 20th read above, imposing the penalty of "Withholding of 20% of Pension Permanently", under rule 9 of A.P. Revised Pension Rules, 1980, against Sri K.V.V.Satyanarayana Murthy, Dy. Director of Agriculture (Retd.), Srikakulam, besides recovery of Rs.5,13,991.25/- from his retirement benefits.

23. The Specail Commissioner of Agriculture, A.P., Guntur shall take necessary further action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

GOPAL KRISHNA DWIVEDI
CHIEF COMMISSIONER, RBKs &
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To:

Sri K.V.V. Satyanarayana Murthy, Deputy Director of Agriculture (Retd.),
O/o Joint Director of Agriculture, Srikakulam.
(through the Spl. Commissioner of Agriculture, A.P., Guntur)
The Special Commissioner of Agriculture, A.P., Guntur.

Copy to:

The General Administration (V&E) Department, NTR Administrative Block, 3rd Floor, Pandit Nehru Bus Station, Vijayawada, A.P.
The Prl. Accountant General, A.P., Vijayawada.
The Director of Treasuries & Accounts, A.P., Mangalagiri.
The District Treasury Officer, Srikakulam
The District Agriculture Officer, Srikakulam
The P.S. to A.P. Vigilance Commissioner, APVC,
Block-5, First Floor, A.P., Secretariat.
Sf/Sc.

// FORWARDED BY ORDER //

SECTION OFFICER